

# EXHIBIT A

M. JANE BRADY  
ATTORNEY GENERAL



STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY  
Carvel State Building  
820 N. French Street  
Wilmington, DE 19801  
Criminal Division (302) 577-8500  
Fax: (302) 577-2496  
Civil Division (302) 577-8400  
Fax: (302) 577-6630  
TTY: (302) 577-5783

KENT COUNTY  
102 West Water Street  
Dover, DE 19901  
Criminal Division (302) 739-4211  
Fax: (302) 739-6727  
Civil Division (302) 739-7641  
Fax: (302) 739-7652  
TTY: (302) 739-1545

SUSSEX COUNTY  
114 E. Market Street  
Georgetown, DE 19947  
(302) 856-5352  
Fax: (302) 856-5369  
TTY: (302) 856-4698

PLEASE REPLY TO :

[New Castle County-Civil Division]

November 2, 2005

James Hall  
SBI # 167581  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**Re: *James Hall v. David Holman, et al.***  
**C.A. No. 04-1328-GMS**

Dear Mr. Hall:

State defendants have received your Request for Production of Documents and Request for Admissions. The State defendants have until December 12, 2005 to file an answer to your Complaint. The State defendants expect to respond to your Complaint with a Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12. Responding to your discovery requests at this time is premature. One of the purposes of allowing a party the opportunity to file a Motion to Dismiss, is so that the Court may make a decision regarding the sufficiency of the plaintiff's claims before committing resources to the discovery process. Therefore, the State defendants oppose responding to the discovery requests until the Court has the opportunity to decide if your claims state a claim for which relief can be granted.

Accordingly, please accept this letter as the Defendants' opposition to exchange of discovery information or formulation of any discovery plan until decisions have been rendered on the Motion to Dismiss, which will be filed by December 12, 2005.

Sincerely,

Lisa Barchi  
Deputy Attorney General

Xc: Clerk of Court

In The United States District Court  
For the District of Delaware

James Hall,  
Plaintiff

v.

David Holman Et. Al.,  
Defendants,

CASE NO: NO. 04-1328-GMS  
Request for production of  
Documents.

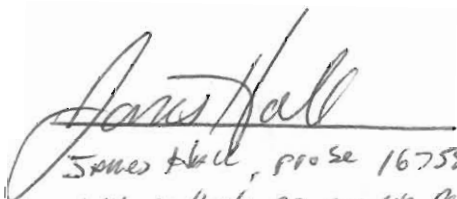


Plaintiff's First Request for production of Documents

Pursuant to F.R.C.P. 26 AND 34. Plaintiff Request that the Defendants produce the Following Documents. please produce the Documents to Plaintiff. The plaintiff Request Defendant produce documents Listed herein within (30) day's, either by providing plaintiff with copies. or by making them Available To the plaintiff with and for inspection and copying. At Delaware correctional center 1181 Paddock Rd Smyrna 19972. (D.C.C.) Del.

Plaintiff, James Hall, does hereby swear and certify under penalty of perjury that the instant request for discovery is careful, not improperly motivated and not unreasonably burdensome or expensive.

Plaintiff seeks pleading leniency under Frazier v. South Eastern Penn. T. Co., 785 F.2d 651, 3 (3<sup>rd</sup> Cir. 1986). And Haines v. Kerner, 404 U.S. 519 (1972) as a pro se incarcerated litigant and friend of the Court.

  
James Hall, pro se 167551  
1181 Rockwell Rd. Sny-Lea Del  
19977

This - 26 day of October, 05  
Date

CERTIFICATE OF SERVICE

I, JAMES HALL, hereby certify that I have served a true and correct copy(ies) of the attached: (2)  
Plaintiff's First Request for production of Documents upon the following parties/person(s):

TO: USA Barchi  
Deputy Attorney General  
820 N. French Street, 6<sup>th</sup> floor  
Wilmington, DE 19801

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977, :

On this 26 day of October, 2005.

James Hall

*In The United States District Court  
For The District of Delaware*

*James Hall*

*Plaintiff,*

*v.*

*David Holman, Lawrence McQuigan,*

*Clyde J. Sagers*

*Defendants.*

*Case No: # 04-1328-GMS*



*BD scanned*

*Request for Admissions*

*Pursuant To Rule 36, Fed. Rules of Civil procedure. Plaintiff Request the Defendants To make the following admissions within 30 days after the service of this Request.*



It is routine and established practice at Delaware Correctional Center  
 1) Request for Reassignment to a specific cell, Tier, Building, or with specific cellmate are Disapproved.

it is the routine and established practice at Delaware Correctional Center  
 2) That prison official investigate "to conclusion" Each allegation of violence or threat of violence in a relatively reasonable time frame at Delaware Correctional Center.

Emergency medical Emergencies, "(transfer M.G.L.) require the warden or the warden designees  
 3) To Review for Determination and action if any within 24 hrs all E.M.G. filed by inmates

There is a policy, whether formal or informal that permits the medical care provider  
 4) To Review E.M.G. however, absent follow-up or supervision from the warden or prison staff in continuation of E.M.G. rule at Prison #3

The purpose of an E.M.G. is to inform staff and medical care provider of an Emergency  
 5) medical condition that requires immediate medical attention.

Despite Defendants being on notice of Plaintiff's serious medical condition (i.e., broken  
 6) right hand), filing an E.M.G. on Feb 1, 2004 The policy at #3 They recklessly disregarded Plaintiff's condition

7) Defendant took no action to Review E.M.G. for any Determination of seriousness of ailment.

8) Defendants Clyde Sagers, David Holman, Lawrence McQueen knew that Plaintiff faced a substantial risk of harm and disregarded that risk by failing to take reasonable measures to abate it.

9) Defendants David Holman ET AL, collectively, knew deliberate indifference to substantial risk of serious harm to an inmate amounts to cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution.

10) Plaintiff submitted a reasonable request to be moved laterally, within the same security level. The request was lawful, not improperly motivated and not unreasonably burdensome or expensive. Defendant's disregarded the request and plaintiff was attacked and suffered the loss of a tooth as a result of not being relocated laterally within the same security level.

11) Defendant, David Holman, Clyde D. Sagers, Lawrence McQueen, Defendant's intentionally ignored and failed to respond to a particular known threat to plaintiff. This failing to respond to substantial risk of serious harm and plaintiff has suffered unnecessarily due to Defendant's deliberate indifference.

12) Defendants David Holman ET AL, were required and failed to take reasonable measures to guarantee the safety of inmates. Defendant David Holman ET AL, Defendant's conduct or lack of conduct demonstrates a knowing indifference to a substantial risk of serious harm to plaintiff.

13) Defendants were aware of this objectively intolerable risk of harm and subjectively disregarded it.



- 14) Defendants, David Holman, Lawrence McQuigan, Clyde D. Sagers, knew the Subjectively deprivation was sufficiently serious and was acted with deliberate indifference to Inmate health and safety in violation of the Eighth Amendment to the United States Constitution.
- 15) The Defendants collectively bore an affirmative obligation to provide protection from assault by other inmates but failed to do so.
- 16) Plaintiff submitted numerous request over a period of four, five & 5, months to be moved externally within the same security level to another cell defendant failure to respond reasonable was resulted in permanent injury to plaintiff.
- 17) Random Assignment of inmates is cruel and unusual punishment in violation of Plaintiff clearly established rights under the 8th Amendment.
- 18) Prison official David Holman, et al, were deliberate indifferent to rise of violence arising from random cell assignments.
- 19) Defendant David Holman, et al, failure to use available classification information to determine inmate compatibility amounts to failure to protect in violation of Eighth Amend. and violates plaintiff's clearly established rights.

The Department of Corrections prison officials are not forced to house it's prisoners two men to a cell. Said housing plaintiff in this manner in a double cell approx. 74 square is unconstitutional and amounts to cruel and unusual punishment in violation of the Eighth Amendment.

21) These cell's approximately 74 square feet or less in size, if the maximum housing unit (MHU) were intended to house only one inmate

Defendant David Holman, et al. were deliberately indifferent to plaintiff  
 22) in their failure to protect in that they failed to utilize any screening as a method of assessment of personal risk factors such as potential for suicide, propensity for violence victim potential etc. Defendant failed to predict compatibility of inmates

The only exception occurs if inmate identifies another inmate with whom he has  
 23) a serious problem and then the potential victim is either forced to sign himself over protective custody, a more restrictive or punitive housing assignment or forced to remain within the double celling with the hostile inmate and to take matters into his own hands by any means necessary

The guards in the control centers can't see into the cell's cell doors are solid, with  
 24) a small narrow window and two small vents. There is no inter-cell monitoring, intercom system. The intercoms in the Day Room. The speaker and receiver for this system do not work and are outside the cell's. Requiring Inmate to shout through the cell's in order to attempt to get the attention of the Guard on duty which is fruitless because guards are located completely off the tiers in the hallway or an isolated enclosed concrete bubble.

25) Defendants David Holman, et al, Acknowledge that the (prisoner) is an increasingly violent place with numerous assaults, aggravated assaults, fights and threatened bodily harm

Defendant David Holman, et al, admit, many acts of violence at the CMHU go

unreported and undocumented for these reasons 1) if an inmate reports violence by another

96) inmate. Inmate do not want to be labeled as snitches, and they often do not report violence 2) if an inmate reports violence in which he is involved, both he and the other inmate will receive misconduct reports and will be disciplined and transferred from current maximum housing unit) to (SHU): Secured Housing Unit. (Segregation of the Highest Level of Supervision).

3) if an inmate reports a violent incident, but there is neither a witness nor physical evidence of an assault (i.e., bleeding cuts, abrasions,) of the reported violence, neither inmate is disciplined, leaving the victimized inmate labeled as a snitch creating a really substantial risk of further attempts on the victim's safety

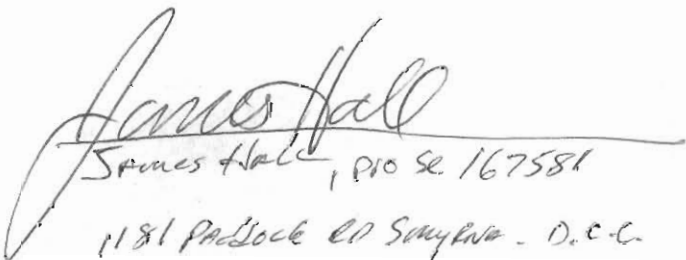
27) The Defendant David Holman et al, knew that the plaintiff faced a pervasive risk of harm

Defendants David Holman, Lawrence McQuay, Clyde Sagers were also aware that plaintiff had 28) a broken hand at all times relevant to these claims: and were deliberately indifferent to plaintiff's medical condition. By recklessly disregarding plaintiff condition and failing to protect him from violence and threatened violence from cellmate

29) The Defendant David Holman et al, Subjected plaintiff to violent assaults and acknowledge it is not part of the penalty that criminal offenders should pay for their offences against society. Plaintiff has demonstrated that he is incarcerated under conditions posing a substantial risk of serious harm as noted. Plaintiff suffered from a broken right hand and was literally defenseless and Defendants were aware of this fact and yet despite their knowledge they disregarded the excessive risk to plaintiff health and safety. Thus plaintiff has suffered the unnecessary and wanton infliction of pain in violation of the Eighth Amendment.

Plaintiff. James Hall. Does hereby Swear and Certify  
Under penalty of perjury that the instant Request for Admissions  
is lawful, not improperly motivated and not Unreasonably burdensome  
or expensive.

Plaintiff Seeks Pleading Leniency under *Proseer v. South*  
*Easter Plains, Trans Automobiles*; 785 F.2d 651.3 (3rd Cir 1986) and *Hines v.*  
*Kerner*, 404 U.S. 519 (1972) as a pro se incarcerated litigant and friend  
of the court

  
James Hall, pro se 167581  
1181 Padlock Rd Smyrna - D.C.C.

This 26<sup>th</sup> day of October, 05



**Certificate of Service**

I, James Hall, hereby certify that I have served a true  
and correct cop(ies) of the attached: (2) Request for Admissions  
upon the following  
parties/person (s):

TO: CSP Barchi  
Deputy Attorney General  
820 N. French Street 6<sup>th</sup> floor  
Wilmington 124 19801

TO: \_\_\_\_\_

TO: \_\_\_\_\_

TO: \_\_\_\_\_

**BY PLACING SAME IN A SEALED ENVELOPE** and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 26 day of October, 2005

James Hall

In The United States District Court  
For the District of Delaware

JAMES HALL

Plaintiff

v.

DAVID HOLMAN

ET. AL,

Defendants

CASE # NO. 04-1328-GMS

Plaintiff's Request for interrogatories



Plaintiff's Request for interrogatories 30 scanned

Pursuant to F.R.C.P. 26 And 33, of the federal Rules of Civil Procedure, Pursuant To The Appropriate F.R.C.P. And ALL other case Authorities. The plaintiff Request for the defendants' answer in writing and under oath The following interrogatories within (30) days of service

1. State the Duties of Defendant Mr. David Holman, Mr. Lawrence McQueen, Mr. Clyde D. Sagers as they pertain to inmates care, Health, Safety
2. State the Duties of Defendants SUPRA as they pertain to responding to and monitoring inmate grievances and emergency medical grievances
3. State the NAMES, Titles And Duties of all Staff members at the Delaware correctional center who have responsibility for monitoring and assignment of classification housing and placement and Request's to be Relocated



9. Please identify all officials responsible for formulating, implementing, and monitoring compliance with policies, procedures, and practices described in your response to interrogatory # 3
10. please describe in as much detail as possible the complete circumstances surrounding your policies and procedures against plaintiff  
DA - 1-22-04
11. please state the name, affiliation, title (last known address), and last known telephone number of each person who has knowledge of any of the facts stated in your response to interrogatory # 10
12. please describe in as much detail as possible every policy, procedure and practice that governs the sick call for serious medical needs at Delaware Correctional Center
13. please identify each document as the term is defined in F.R.C.P. 34(A)(1). That evidence, mentions, or refers to any of the facts stated in your response to interrogatory # 10
14. please identify each person known to you and not otherwise identified in your answer to these interrogatories who has provided any information or assistance of whatever nature of description relating to any of your answers to these interrogatories

13. please identify each person who has made to you sworn or unsworn statements or provided information for affidavits or statements that relate to the allegations made in plaintiff's complaint and state the information provided

Plaintiff James Hall does hereby swear and certify under oath penalty of perjury that the instant discovery request is careful not improperly motivated, and not unreasonably burdensome or expensive.

Plaintiff seeks pro se pleading leniency under James v. Kerner 404 U.S. 519 (1972)

James Hall  
James Hall pro se 167551  
1151 parkblock rd south # 41 19802

10-26-05  
Date

CERTIFICATE OF SERVICE

I, JAMES HALL, hereby certify that I have served a true and correct copy(ies) of the attached: (2)  
Plaintiff Request for interrogatories upon the following parties/person(s):

TO: LISA BACCHI  
Deputy Attorney General  
826 N. French Street, 6<sup>th</sup> floor  
Wilmington Del 19801

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977,

On this 26 day of October, 2005.

James Hall